

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayner
Marshall Johnson
Phyllis A. Reha
Gregory Scott

Chair
Commissioner
Commissioner
Commissioner

In the Matter of the Complaint of the
Minnesota Department of Commerce Against
Business Entities That Do Business in
Minnesota as the Minnesota Phone Company
Regarding Lack of Authority to Operate in
Minnesota

ISSUE DATE: July 29, 2003

DOCKET NO. P-6164/C-02-1383

ORDER DISMISSING COMPLAINTS,
APPROVING TRANSFER OF CUSTOMERS,
REFERRING FOR PENALTY AND
CONTESTED CASE PROCEEDINGS

PROCEDURAL HISTORY

On October 8, 2002, the Minnesota Department of Commerce (the Department) filed a complaint against the following entities doing business in Minnesota as The Minnesota Phone Company

- # AltiComm, Inc., f/k/a Eastern Telephone, Inc., a Massachusetts Corporation;
- # OnSystems Technology, LLC, a Colorado limited liability company;
- # OnSystems Technology, LLC, a Minnesota limited liability company;
- # Mile High Telecom Partners, LLP, a Colorado limited liability partnership; and
- # The Minnesota Phone Company Financial Group, LLP, a Minnesota limited liability partnership.

On October 11, 2002, the Commission issued a Notice of Complaint, Opportunity to Answer, and Commission Meeting.

On October 23, 2002, the Minnesota Phone Company Financial Group, LLP and AltiComm, Inc. filed responses to the Department of Commerce's (the Department's) verified complaint and Mile High Financial Group, LLP filed a Motion to Dismiss for Failure to Establish Personal Jurisdiction.

The Commission met on October 24, 2002 to consider this matter.

On October 28, 2002, AltiComm, Inc., The Minnesota Phone Company Financial Group, Mile High Telecom Partners, LLP, and the Department submitted a written agreement which the parties characterized as terms of an Order recommended by the named parties.

On December 23, 2002, the Commission issued its ORDER DIRECTING COMPLIANCE WITH FILED AGREEMENT. In its Order the Commission asserted jurisdiction over the Department's complaint, approved the eight terms of agreement submitted by the Department and the parties named in the Department's complaint (AltiComm, Inc., The Minnesota Phone Company Financial Group, and Mile High Telecom Partners, LLP) and directed the parties to abide by these terms.

On January 17, 2003, the Department wrote Alticom referencing several complaints received from long distance customers of the Minnesota Phone Company and stating that, based on the Settlement Agreement between Alticom and the Department, Alticom was responsible for handling those problems. The Department requested a response to its concerns within 10 days.

On January 24, 2003, Alticom replied, disagreeing with the Department's understanding of the Settlement Agreement and disagreeing that it is responsible for the long distance customers of the Minnesota Phone Company. Alticom explained that its September 5, 2002 response to a Department information request that it (Alticom) had long distance customers was an inadvertent misstatement of facts.

On February 18, 2003, the Department filed comments with the Commission requesting that the Commission 1) dismiss the complaint against The Minnesota Phone Company Financial Group; 2) grant the Department's complaint against OnSystems Technology, LLC that the company operated without authority in the State of Minnesota in violation of Minn. Stat. § 237.16, subd. 1(b); 3) order that the customers of The Minnesota Phone Company be transferred to The Minnesota Phone Company Financial Group, LLP; and 4) order that Alticom be responsible for providing long distance service to the customers of The Minnesota Phone Company; and 5) find that Alticom's "Marketing and Operating Agreement" with OnSystems violated Minn. Stat. §§ 237.16 and 237.23.

On February 28, 2003, Alticom filed extensive Reply Comments which, according to Alticom, refuted the Department's allegations that Alticom had violated the Settlement Agreement and that Alticom's "Marketing and Operating Agreement" with OnSystems violated state law. Alticom also requested that the Commission act expeditiously to approve Alticom's requests for local authority (Docket No. P-6196/NA-03-81) and long distance authority (Docket No. P-6196/NA-02-1773).

On March 14, 2003, The Minnesota Telephone Company Financial Group (Financial Group) filed a letter with the Commission reporting that part of the Settlement Agreement, the agreement that Alticom transfer all the customers of The Minnesota Phone Company to the Financial Group, was not going well. The Financial Group requested Commission assistance to resolve the issue.

On April 16, 2003, ServiSense.com, Inc. d/b/a The Minnesota Telephone Company and Alticom, Inc. filed a Joint Petition for Approval of Transfer of Assets and Customers. The matter has been assigned to Docket No. P-6196, 5916/PA-03-599.

On April 25, 2003, the Financial Group filed Response Comments related to Docket No. No. P-6196, 5916/PA-03-599 and Alticom's applications for operational certificates of authority:

- The Financial Group sought to intervene in Alticom's request that the Commission approve the transfer of ServiSense's assets and customers to Alticom, which is being handled in Docket No. P-6196, 5916/PA-03-599. The Financial Group stated that it was entitled to intervene under Minn. Rules, Part 7829.0800 because the outcome of that proceeding would affect it with respect to its particular interest in ServiSense's customers.¹

¹ Since no objection was received to this request, the Financial Group is deemed an intervener in Docket No. Docket No. P-6196, 5916/PA-03-599, with all the rights and responsibilities pertaining thereto, pursuant to Minn. Rules, Part 7829.0800, subp. 5.

- Financial Group also requested that the Commission condition any operational authority granted to AltiComm² on that company's having entered into a Transfer Agreement with Financial Group and with AltiComm's compliance with the previous representations it made to the Commission.

On April 28, 2003, AltiComm filed with the Commission a letter to the Department confirming the Department's April 22, 2003 understanding that effective March 3, 2003 ServiSense.com, Inc. holds an operational certificate of authority for resold local telephone service in Minnesota and that, consequently, the restrictions agreed to by ServiSense in the Settlement Agreement, which applied prior to its receipt of an operational certificate of authority, no longer apply. AltiComm also clarified that commencing with the effective date of March 3, 2003, ServiSense through its manager AltiComm would be billing Minnesota local telephone customers in accordance with its filed and approved Minnesota tariff.

On June 25, 2003, AltiComm as manager for ServiSense filed a letter informing the Commission that ServiSense intended to bill its "Minnesota Telephone Company" customers for local service provided after March 3, 2003, the date ServiSense obtained operational authority to provide local service. AltiComm explained that the plan was to bill these customers for a portion of the past period (March 3 - May 1) each month for the next three months. AltiComm provided a copy of the text to appear on the first billing statements and invited questions and concerns.

The Commission met on July 8, 2003 to consider this matter.

FINDINGS AND CONCLUSIONS

In its Complaint, the Department alleged that five business entities listed below used the trade name "The Minnesota Phone Company" to transact telecommunications business in Minnesota, but that none of the entities involved had a proper certificate of authority, or approved tariffs, to provide telecommunications services in Minnesota.

- # AltiComm, Inc., f/k/a Eastern Telephone, Inc., a Massachusetts corporation;
- # OnSystems Technology, LLC, a Colorado limited liability company;
- # OnSystems Technology, LLC, a Minnesota limited liability company;
- # Mile High Telecom Partners, LLP, a Colorado limited liability partnership; and
- # The Minnesota Phone Company Financial Group, LLP, a Minnesota limited liability partnership.

In this Order, the Commission will update, company by company, the progress made to date in addressing the Department's complaint. The Commission will issue a separate ORDER AND NOTICE OF HEARING regarding issues referred to the Office of Administrative Hearings for a contested case proceeding.

² See Docket Nos. P-6196/NA-02-1773 and P-6196/NA-03-81.

I. MINNESOTA PHONE COMPANY FINANCIAL GROUP (THE FINANCIAL GROUP)

A. Complaint Against The Financial Group

In its Complaint, the Department alleged that The Financial Group, in conjunction with the other named companies, has been knowingly and intentionally operating without authority since June 24, 2002 in violation of Minn. Stat. § 237.16, Subd.1(b) and Minn. Stat. § 237.16, Subd. 4 and in violation of Minn. Stat § 237.07 for not filing tariffs for Commission approval.

In its response to the Department's Complaint, The Financial Group denied that it took part in or knew about any unauthorized provision of telecommunications service in Minnesota and stressed that its only involvement was as a source of investment capital for OnSystems Technology.

Nevertheless, the Financial Group participated in the Settlement Agreement that the Commission approved in its December 23, 2003 Order. By terms of that Agreement, The Financial Group agreed, among other things,

- that after signing the Settlement Agreement it would not solicit or acquire any customers or bill any customer for telephone service unless it had received an unconditional certificate of authority from the Commission to offer the service in Minnesota;
- that it would provide to AltComm and the Department copies of all documents pertaining to the customers of The Minnesota Phone Company which it has received;
- that it would pursue its own authorizations from the Minnesota Public Utilities Commission, in order to provide local resold service in Minnesota and, further, that after obtaining these authorizations, the customers of The Minnesota Phone Company would be transferred (after all necessary state regulatory approvals have been obtained to do so) to The Financial Group.

In its February 18, 2003 comments, the Department stated that it would not object to the Commission dismissing the Complaint against The Financial Group. The Department stated that The Financial Group had fulfilled all its obligations under the Settlement Agreement. The Department also noted that staff at the Securities and Exchange Commission (SEC) has confirmed that The Financial Group neither participated in nor was aware of the offering of unauthorized service to Minnesota customers. The Department presented no evidence and made no argument that The Financial Group knew or should have known about OnSystem's unauthorized provision of telecommunications service in Minnesota.

Further, the Department reported that as contemplated in the Settlement Agreement, The Financial Group has proceeded to obtain its own fully operational certificates of authority to provide local and long distance service in Minnesota.³

³ On December 3, 2003 the Commission granted The Financial Group operational authority to provide long distance service and conditioned its authority to provide local service on obtaining Commission approval of an interconnection agreement and a 911 Plan. Docket No. P-6198/NA-02-1862. On January 10, 2003, the Commission approved The Financial Group's interconnection agreement with Qwest (Docket No. P-421, 6198/IC-02-2116) and on February 14, 2003, the Commission approved its 911 Plan (Docket No. P-6198/M-02-2149).

In light of the record developed in this docket, the Commission will dismiss the Complaint against The Financial Group.

B. Transfer of Customers to The Financial Group

By terms of that Agreement, it was agreed that The Financial Group would pursue its own authorizations from the Minnesota Public Utilities Commission, in order to provide local resold service in Minnesota and that after obtaining these authorizations, the customers of The Minnesota Phone Company would be transferred (after all necessary state regulatory approvals have been obtained to do so) to The Financial Group.

At the hearing on this matter The Financial Group and Alticom announced that they had reached agreement on the transfer of The Minnesota Phone Company customers from Alticom to The Financial Group. The Financial Group has, as contemplated in the Settlement Agreement, secured its own authorizations from the Minnesota Public Utilities Commission, in order to provide local resold service in Minnesota, including an approved interconnection agreement with Qwest.

Since The Financial Group is properly certificated and set up to provide service in Minnesota and the customer transfer is consistent with the Settlement Agreement, the Commission will approve the transfer of Alticom's customers to The Financial Group and will make the transfer effective as of the date of the hearing, July 8, 2003, with the understanding that the companies will notify the affected customers pursuant to applicable rules of the Commission and of the Federal Communications Commission (FCC). The transfer is to be completed within 45 days of the July 8, 2003 meeting.

II. MILE HIGH TELECOM PARTNERS, LLP

In its response to the Department's Complaint, Mile High Telecom Partners, a Colorado Limited Liability Partnership, stated that it had executed a Joint Venture Agreement with OnSystems under which OnSystems was responsible for the day-to-day operations. Mile High emphasized that its role in the joint venture was limited to investment purposes, that it had no interest in transacting business in Minnesota, and that it never authorized OnSystems to conduct any type of business within Minnesota.

Mile High requested that the Commission issue an order dismissing the complaint against Mile High Telecom Partners, LLP on the grounds of failure to establish personal jurisdiction.

The Department has presented no evidence and made no argument that Mile High Telecom Partners knew or should have known about OnSystem's unauthorized provision of telecommunications service in Minnesota.

In these circumstances, the Commission will dismiss the Complaint against Mile High Telecom Partners.

III. ONSYSTEMS TECHNOLOGY (ONSYSTEMS)

In its Complaint, the Department alleged that OnSystems has knowingly and intentionally operated in Minnesota without authority since June 24, 2002 in violation of Minn. Stat. § 237.16, Subd.1(b) and Minn. Stat. § 237.16, Subd. 4 (failure to obtain a certificate of authority) and in violation of Minn. Stat § 237.07 (not filing tariffs for Commission approval).

OnSystems filed no response to the Department's Complaint and took no part in the Settlement Agreement approved by the Commission in its December 23, 2002 Order.

In its February 18, 2003 comments, the Department noted OnSystem's failure to respond to the Complaint and failure to take any other steps to address the Department's concerns. The Department recommended that the Commission find that OnSystems operated without authority in Minnesota in violation of Minn. Stat. § 237.16, subd. 1(b). The Department argued that making this finding would be valuable because OnSystems or its current officers might seek approval to provide telecommunications service in Minnesota in the future.

The Department took no position, however, on whether the Commission should refer the matter to the Attorney General to pursue penalties. The Department stated that it was unlikely that any penalties could be collected from OnSystems. Further, the Department stated that based on its contacts with many regulatory agencies (the Colorado and Arizona Commissions, the FCC and the SEC) it believed that any monetary sanctions could be better obtained by these agencies.

The Commission finds that OnSystems has knowingly and intentionally provided telecommunications service in Minnesota without authority in violation of Minn. Stat. § 237.16, subd. 1(b). Such a finding subjects OnSystems to civil penalty proceeding pursuant to Minn. Stat. § 237.461. The Commission will refer this matter to the Office of the Attorney General, understanding that the Attorney General will take all the circumstances into account before deciding whether to pursue civil penalties against OnSystems.

IV. ALTICOMM

A. The Department's Complaint

In its Complaint, the Department alleged that AltiComm, Inc., formerly known as Eastern Telephone, Inc.

- 1) has been knowingly and intentionally operating without authority since March 1, 2001;
- 2) is in violation of Minn. Stat. § 237.16, Subd.1(b) and Minn. Stat. § 237.16, Subd. 4 for providing service without a certificate of authority and in violation of Minn. Stat § 237.07 for not filing tariffs for Commission approval; and
- 3) has violated Minn. Stat. § 237.23 by failing to obtain consent to transfer of property.

B. AltiComm's Response to the Department's Complaint

In a Verified Response filed October 23, 2002, AltiComm denied the Department's allegations that it (AltiComm) has been operating in Minnesota without authority since March 1, 2001, providing local exchange service to at least 997 customers. Specifically, AltiComm acknowledged that ServiSense (a company whose business operations AltiComm has been managing pursuant to a Management Agreement dated February 1, 2002) has provided local resold service to a very few customers in Minnesota since March 2001. AltiComm stated that ServiSense did so under the mistaken understanding that it (ServiSense) held the necessary approvals to

provide local resold service in Minnesota. AltiComm stated that it first learned that ServiSense did not hold an operational local certificate of authority in a letter from the Department of Commerce dated July 25, 2002. AltiComm stated that when it received the Department's letter, it (AltiComm) acted promptly as ServiSense's manager to rectify all the items identified therein and has responded promptly to all inquiries and contacts from the Department.

C. The Settlement Agreement

Nevertheless, in a Settlement Agreement approved by the Commission in a December 23, 2003 Order, AltiComm committed

- 1) to complete the filings needed to convert ServiSense's conditional local resale certificate of authority of ServiSense.com, Inc. (ServiSense) into operational authority;
- 2) to not solicit or acquire on and after the date of the settlement any customers for service in Minnesota unless the Respondent has received an unconditional (operational) certificate of authority from the Minnesota Public Utilities Commission to offer and provide the service in the State of Minnesota;
- 3) to not bill any customer for telephone services unless it has received an unconditional (operational) certificate of authority from the Commission to offer and provide the service in the State of Minnesota;
- 4) to return any payments it had received for telephone services of "The Minnesota Phone Company" to the customer by mailing made by November 1, 2002; and
- 5) to return any payments received after the date of the Settlement Agreement to customers by mailing made within one week of receipt until the services being billed are provided pursuant to an operational certificate of authority.

AltiComm also agreed to promptly and expeditiously send to The Minnesota Phone Company customers a letter approved by the Department communicating five specific pieces of information and containing a document prepared by the Commission's Consumer Affairs Office.

AltiComm further agreed to submit filings to the Commission requesting 1) local resale authority in its own name and 2) authority to transfer of the assets and customers of ServiSense d/b/a The Minnesota Phone Company, to AltiComm.

Finally, AltiComm agreed that The Financial Group would pursue its own authorizations from the Minnesota Public Utilities Commission, in order to provide local resold service in Minnesota, and that after The Financial Group obtained these authorizations, the customers of The Minnesota Phone Company would be transferred to The Financial Group.

D. The Department's Post-Settlement Comments

1. Non-Compliance With the Settlement Agreement: Failure to Take Responsibility for Long Distance Service to Minnesota Telephone Company Customers

In Comments filed February 18, 2003, the Department alleged that AltiComm did not comply with its obligation under the Settlement Agreement regarding customer complaints about their long distance service. The Department cited Section 6 of the Settlement Agreement and the letter AltiComm sent to its customers stating that if the customers had any service or billing problems they should contact AltiComm at a stated telephone number. The Department reported, however, that when customers that had signed up for both local and long distance service with the Minnesota Telephone Company contacted AltiComm about problems with their long distance service they were told by AltiComm that AltiComm could not help them with their long distance questions or problems.

The Department disagreed with AltiComm's assertions that it is not responsible under the Settlement Agreement for the long distance customers of The Minnesota Telephone Company and that the long distance customers signed up by OnSystems are the sole responsibility of OnSystems. The Department argued that several factors indicate AltiComm's responsibility for the long distance customers of The Minnesota Telephone Company:

1. The tariff submitted by AltiComm as manager for ServiSense.com d/b/a The Minnesota Phone Company lists long distance rates.
2. The tariffed local and long distance rates were identical to long distance rates and terms posted on The Minnesota Telephone Company website.
3. AltiComm stated in a September 4, 2002 response to an Information Request that ServiSense provided both local and long distance service.
4. Since AltiComm acknowledged that its agent On Systems signed up customers for both long distance and local service, it is illogical for it to take the customers that OnSystems signed up for local service but deny that it should take the customers' long distance service.
5. The Department quoted from AltiComm's Marketing and Operating Agreement with OnSystems, arguing that the parties contemplated that OnSystems would sign up long distance as well as local customers.
6. The Department further argued that under Commission precedent a carrier (such as AltiComm) is responsible for the actions of its agents (OnSystems) with whom it has contracted. The Department quoted from a Commission Order:

Misplaced reliance upon agents or employees will not excuse a company from complying with Minnesota statutes, rules, and Orders.⁴

2. Statutory Violation: Allowing an Uncertificated Carrier (OnSystems) to Operate in Minnesota

The Department also alleged that the Commission should find Alticom's Marketing and Operating Agreement with On Systems violated Minnesota statutes that require Commission permission before acquiring ownership or control of a telephone company.⁵ The Department stated that the Commission alone has the authority to determine which carriers should operate in Minnesota, and carriers, such as Alticom as manager for ServiSense.com, cannot and should not usurp the Commission's authority by renting out their certificates to entities such as OnSystems.

E. Alticom's Response to the Department's Comments

Alticom stated that to the best of its knowledge any customer of The Minnesota Telephone Company who received long distance service did so through a reseller agreement that OnSystems has with other interexchange carriers and argued that it was inequitable and without factual basis to attribute the fraudulent conduct of OnSystems to Alticom.

Similarly, Alticom denied that its Marketing and Operating Agreement with OnSystems allowed OnSystems to exercise control over customers of The Minnesota Phone Company, relying on the reasons stated in its October 23, 2002 reply to the Department's Complaint.

F. The Commission's Analysis and Action

1. Contested Case Proceeding

The Commission is unable to resolve on the basis of the current record the two issues raised by the Department and contested by Alticom: 1) whether Alticom's refusal to take responsibility for the long distance customers of The Minnesota Telephone Company means it is not in compliance with the parties' Settlement Agreement and, hence, the Commission's December 23, 2003 Order and 2) whether Alticom's Marketing and Operating Agreement with OnSystems violated Minn. Stat. §§ 237.16 and 237.23.

⁴ See *In the Matter of an Application for Long Distance Authority in the State of Minnesota*, Docket No. P-5486/NA-97-1484, and *In the Matter of an Investigation as to Whether Starways Telecommunications, Inc. is Operating Without Authority*, Docket No. P-5486/C-97-401, ORDER REQUIRING COMPANY TO CEASE MINNESOTA OPERATIONS AND REFERRING MATTER FOR ENFORCEMENT PROCEEDINGS (June 19, 1998).

⁵ See Minn. Stat. § 237.16, subd. 4 that requires a person to obtain Commission permission before acquiring "ownership or control....either directly or indirectly..." of a telephone company. And Minn. Stat. § 237.23 prohibits any person from acquiring the rights of any telephone company without obtaining Commission authorization.

The Commission, therefore, will refer these issues to the Office of Administrative Hearings (OAH) for a contested case proceeding.⁶ The Administrative Law Judge (ALJ) assigned to the case is requested to develop the record on these issues and make recommendations. If the ALJ finds violations, he or she is requested to make further findings whether the violations were knowing and intentional so as to subject AltiComm to penalties pursuant to Minn. Stat. § 237.461.

2. AltiComm's Pending Requests for Authority

Under the circumstances, the Commission will defer consideration of AltiComm's requests for local authority and long distance authority.⁷ When the Commission ultimately considers AltiComm's petitions for authority, the Commission will do so applying the full record and all applicable statutory standards. While the Commission will certainly take into account the ALJ's recommendations on these two issues when considering the merits of AltiComm's requests for authority, the Commission's decision whether to grant or deny authority will not hinge entirely upon the ALJ's findings on the issues referred in this docket, but will be based on a consideration of all applicable statutory standards and the entire record.

3. Concerns About AltiComm's Bill Language

Since ServiSense obtained authority to provide local service as of March 3, 2003, it was authorized under the Settlement Agreement to send bills to its local service customers effective March 3, 2003.⁸ On June 26, 2003, AltiComm as manager for ServiSense informed the Commission that the first bills to ServiSense d/b/a/ The Minnesota Phone Company customers would be sent by the end of the week.

Shortly thereafter, the Commission's Consumer Affairs Office (CAO) was contacted by some ServiSense/The Minnesota Phone Company customers regarding the bills they received. At the Commission's July 8, 2003 meeting, the CAO made comments raising several specific concerns

⁶ See NOTICE AND ORDER FOR HEARING in this docket issued contemporaneously with this Order.

⁷ Docket No. P-6196/NA-02-1773 (request for authority to provide interexchange or long distance authority) and Docket No. 6169/NA-03-81 (request for authority to provide local service).

⁸ See AltiComm April 29, 2003 letter to the Department memorializing the Department's confirmation to AltiComm that ServiSense received an operational certificate of authority to resell local telephone service in Minnesota effective March 3, 2003 and that as a result ServiSense (through its manager AltiComm) was entitled to bill its local telephone service customers for local service provided as of March 3, 2003.

regarding the language on the bill Alticom is now beginning to use to bill for services provided by The Minnesota Phone Company. The Commission will direct Alticom to work those issues out with the CAO and apply approved bill language in the next billing cycle.⁹

ORDER

1. The Complaint against the Minnesota Phone Company Financial Group, LLP, (The Financial Group) is dismissed.
2. The transfer of customers from Alticom to The Financial Group is approved, effective as of July 8, 2003. Notification shall be given to affected customers pursuant to applicable Commission and FCC rules. The transfer shall be completed within 45 days of the July 8, 2003 meeting and an affidavit attesting to the completion of the transfer shall be filed.
3. The Complaint against Mile High Telecom Partners, LLP is dismissed.
4. The Commission hereby finds that OnSystems knowingly and intentionally operated without authority in Minnesota in violation of Minn. Stat. § 237.16, subd. 1(b) and refers On Systems to the Attorney General's Office for consideration of penalty proceedings under Minn. Stat. § 237.461.
5. The following issues are referred to the Office of Administrative Hearings for a contested case proceeding:
 - i. whether Alticom is not in compliance with the agreement memorialized in the Commission's December 23, 2002 Order;
 - ii. whether, by entering into a Marketing and Operating Agreement with OnSystems, Alticom violated Minn. Stats. §§ 237.16 and 237.23;
 - iii. if violations are found, whether the violations were knowing and intentionally so as to subject Alticom to penalties pursuant to Minn. Stat. § 237.461.
6. Alticom shall work out with the Commission's Consumer Affairs Office (CAO) the issues identified by the CAO in its July 8, 2003 Briefing Papers and apply the approved bill language in the next billing cycle.

⁹ One of the issues raised by the CAO was that Alticom's bill fails to identify the long distance carrier. Alticom responded at the July 8, 2003 hearing on this matter that it is unable to identify the customer's long distance carrier on the bill because Qwest has refused to provide this information and Alticom has no other way to obtain this information. The Commission stated that if Alticom continues to take the position that it cannot identify long distance carrier on customer bills, it will be required to file a written explanation why it is unable to do so. Following the hearing, on July 17, 2003, Alticom submitted an explanation in writing as requested.

7. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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